## REMARKS

Claim 10 is added. Claims 1 and 4-10 remain in the case.

Claim 1 and 4-9 were rejection under 35 USC 102(e) as being anticipated by Demarais et al (US Patent No. 6,702,830). The rejection of the claims is traversed. According to the Federal Circuit, anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. The prior art reference must disclose each element of the claimed invention as arranged in the claim. The wire of the present invention is clearly defined in the specification. The Examiner alleges that the coiled pump member 16 in Demarais et al is the same as the wire in the present invention. The coiled pump member 16 is clearly not a wire as defined in the present invention. Further the coiled pump member 16 is defined as a tube. According to the case *Phillips v AWH Corporation*; (Fed. Cir. 2005) the primary source for determining meanings of claim terms is intrinsic evidence, which is the specification itself. The term "wire" in the current application does not extend to hollow tubes such as the coiled pump member 16 in Demarais. The wire of the present invention can be inserted into the insertion tube 20 with ease. When removing fibrous foreign bodies, the luring body must be damaged. Thus, use of a wire (with a small diameter –claim 10) high flexibility is effective. By rotating the wire with the rotating device as described in the present invention the wire can vibrate the tip of the insertion tube causing foreign fibrous bodies to get tangled around the free end of the insertion tube. After the fibrous foreign bodies are tangled, the intraductal foreign body removal instrument is retrieved from the duct through insertion position.

In contrast, the coiled pump member 16 of Demarais is made of an elongate hollow tube having a helical rotor extending at least partially over an exterior surface as shown in Figures 1B and 1C. It is the intent of the apparatus in Demarais to use the hollow tube for infusion and/or aspiration. Besides not providing the same structure as the instrument in the present invention, the apparatus of Demarais has a different function. Further, the Examiner states that the coiled pump number 16 can terminate at or before the distal end of the insertion tube in Demarais as disclosed in (column 8, lines 51-55). However, in order for the coiled pump member 16 to terminate before the distal end of the catheter body 20, infusion/aspiration ports would need to be provided along the distal end of the catheter body 12 to function as intended. Therefore the structure and function of the Demarais disclosure are not the same as the structure and function of the present invention. Therefore, claim 1 is believed to be allowable. Dependent claims 4-9 are also believed to be allowable.

New claim 10 adds details to the flexible wire material to further distinguish the wire in the present invention with the tube 16 in Demarais. New claim 10 is also believed to be allowable.

It is respectfully submitted that this Amendment traverses and overcomes all of the Examiner's objections and rejections to the application as originally filed. It is further submitted that this Amendment has antecedent basis in the application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any new subject matter to the application. Reconsideration of the application as amended is requested. It is respectfully submitted that this Amendment places this application in suitable condition for allowance; notice of which is requested.

If the Examiner feels that prosecution of the present application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

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